

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ABRAXIS BIOSCIENCE, LLC and
CELGENE CORPORATION,

Plaintiffs,

v.

CIPLA LIMITED,

Defendant.

Civil Action No. 16-9074 (JMV)(MF)

(Filed Electronically)

CONSENT JUDGMENT

Plaintiffs Abraxis BioScience, LLC and Celgene Corporation (collectively, “Celgene”) and Defendant Cipla Limited (“Cipla”), the parties in the above-captioned action hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this 9th day of October, 2018:

ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties for purposes of this action only, including as set forth below in Paragraph 6 of this Consent Judgement.

2. As used in this Consent Judgment, the term “Cipla ANDA Product” shall mean the paclitaxel albumin-bound particles for injectable suspension product manufactured or marketed pursuant to Abbreviated New Drug Application No. 209657.

3. As used in this Consent Judgment, the term “Patents-in-Suit” shall mean U.S. Patent Nos. 7,820,788, 7,923,536, 8,138,229, and 8,853,260.

4. Until expiration of the Patents-in-Suit, Cipla, including any of its successors and assigns, is enjoined from infringing the Patents-in-Suit, on its own part or through

any third party on its behalf, by making, having made, using, selling, offering to sell, importing, or distributing of the Cipla ANDA Product, unless and to the extent otherwise specifically authorized by Celgene, and is further enjoined from assisting or cooperating with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties, unless and to the extent otherwise specifically authorized by Celgene.

5. Compliance with this Consent Judgment may be enforced by Celgene and its respective successors in interest or assigns.

6. This Court retains jurisdiction to enforce the terms of this Consent Judgment and to enforce and resolve any disputes related to the parties' resolution of this action.

7. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to any party.

8. Nothing herein prohibits or is intended to prohibit Cipla from maintaining a "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) or pursuant to 21 C.F.R. § 314.94(a)(12) with respect to the Patents-in-Suit.

9. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving the Cipla ANDA.


John Michael Vazquez, U.S.D.J.

We hereby consent to the form and entry of this Order:

Dated: October 8, 2018

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